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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of )  
 )  
 Bo Chen, et al. )  
 )  
 Title: METHOD FOR SPECTROPHOTOMETRIC )  
 BLOOD OXYGENATION MONITORING )  
 )  
 Serial No.: *Not Assigned* )  
 )  
 Filed On: *Herewith* ) (Our Docket 5180-02-1-1)

Hartford, Connecticut, July 24, 2003

Mail Stop Patent Application  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

S I R:

Applicant(s) submits herewith Form PTO-1449 identifying patents, publications or other information of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 CFR 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

Under 37 CFR 1.97 (b)

☒ This Information Disclosure Statement is being filed within three months of the filing date of the application, or the date of entry into the national stage of an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

Under 37 CFR 1.97 (c)

☐ This Information Disclosure Statement is being filed *after* three months of the filing date of this national application, or the date of entry into the national stage as set forth in §1.491 in an international application, or after the mailing date of the first Office Action on the merits, whichever event occurred last, but *before* the mailing date of either a final action under §1.113 or a notice of allowance under §1.311, whichever occurs first.

- ☐ A certification as specified in 37 CFR 1.97(e) is set forth below or
- ☐ Fee as set forth in 37 CFR 1.17(p) (\$180.00).

Under 37 CFR 1.97(d)

☐ This Information Disclosure Statement is being filed *after* a final action under §1.113 or a notice of allowance under §1.311, whichever occurs first, but before, or simultaneously with, the payment of the issue fee. Applicant hereby petitions for the consideration of this Information Disclosure Statement, 37 CFR 1.97(d)(ii). A certification as specified in 37 CFR 1.97(e) is set forth below.

- ☐ A certification as specified in 37 CFR 1.97(e) is set forth below and
- ☐ Fee as set forth in 37 CFR 1.17(p) (\$180.00)

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**CERTIFICATION (37 CFR 1.97(e))**

☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement. A copy of the relevant search report is enclosed herewith.

☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of this Statement.

Applicants respectfully request that any deficiencies in the fees be charged to Deposit Order Account No. 13-0235.

Respectfully submitted,

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>				<b>Complete if Known</b>	
				Application Number	New
				Filing Date	Herewith
				First Named Inventor	Bo Chen, et al.
				Group Art Unit	
				Examiner Name	
Sheet	1	of	3	Attorney Docket Number	5180-02-1-1

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		4,105,021		Williams et al.	08/08/1978	
		4,206,764		Williams	06/10/1980	
		4,281,645		Jobsis	08/04/1981	
		4,321,930		Jobsis et al.	03/30/1982	
		4,380,240		Jobsis et al.	04/19/1983	
		4,510,938		Jobsis et al.	04/16/1985	
		4,621,643		New, Jr. et al.	11/11/1986	
		4,690,492		Beard	09/01/1987	
		4,700,708		New, Jr. et al.	10/20/1987	
		4,770,179		New, Jr. et al.	09/13/1988	
		4,848,901		Hood, Jr.	07/18/1989	
		4,865,038		Rich et al.	09/12/1989	
		4,907,876		Suzuki et al.	03/13/1990	
		4,913,150		Cheung et al.	04/03/1990	
		4,942,877		Sakai et al.	07/24/1990	
		5,054,488		Muz	10/08/1991	
		5,058,588		Kaestle	10/22/1991	
		5,080,098		Willett et al.	01/14/1982	
		5,217,013		Lewis et al.	06/08/1993	
		5,353,791		Tamura et al.	10/11/1994	

[illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**



